



## **Cover Memorandum**

### **Performance Review Board, JHPD Directive #408**

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#### **Purpose of the Directive**

This Directive establishes the Johns Hopkins Police Department (JHPD) Performance Review Board (PRB), which is a process for the JHPD to conduct a comprehensive review of all significant events involving its members and the public, including use of force, to ensure that any deficiencies in directives, procedures training or performance are identified and corrected.

#### **Summary of Directive Requirements**

Following best practices in use of force review, the PRB will conduct a comprehensive review of all significant events involving JHPD members and members of the public, including all use of force incidents, regardless of level, to identify lessons learned, exemplary or deficient performance of employees, and gaps in directives, procedures, training, or equipment. By critically assessing each significant event, JHPD can reduce the risk that a less than optimal outcome will occur in the future and reduce the likelihood of harm to its members and the community they serve. The PRB is focused on improving the quality of JHPD's services rather than serving as a disciplinary process of the kind addressed in other JHPD directives.

The Directive mandates that the PRB review the following incidents:

- all use of force incidents,
- responses to assemblies and demonstration,
- responses to active threats,
- all incidents which bias-based policing has been alleged,
- all pursuits, and
- any other incident that the Chief of Police requests to be reviewed.

The PRB will not investigate misconduct or make recommendations concerning discipline. Instead, the PRB must refer any potential misconduct to the Public Safety Accountability Unit for disciplinary investigation if any potential violations of directives are identified in their review.

#### **Blueprint for the Policy Development Process**

The draft JHPD policies (hereinafter referred to as "directives") shared for community feedback are based on examples of 21st century best practices in public safety policy, identified through extensive benchmarking of university and municipal law enforcement agencies across the nation. Taken together, they represent a comprehensively progressive approach to policing that prioritizes equity, transparency, accountability, and community-based public safety strategies.

The JHPD's draft directives embody approaches that community advocates and leading experts have championed locally and in law enforcement reform efforts across the nation. The draft directives have also been developed based on input received through robust community engagement in prior phases of JHPD development, including suggestions received in the legislative process as well as last fall's Memorandum of Understanding (MOU) public comment period and feedback opportunities.

In addition, the directives were drafted to exceed the minimum requirements of the Constitution and laws of the United States and the State of Maryland, to align with the Community Safety and Strengthening Act (CSSA) and to fulfill the requirements of the MOU between the Johns Hopkins University and the Baltimore Police Department. The Hopkins community and our neighbors throughout Baltimore can help improve and strengthen these directives further through their feedback and input.

Material that was considered in the drafting of the Directive and Procedure Manual, include:

**a. Publicly available policies from municipal police departments that have undergone substantial reform efforts**, including: the New Orleans Police Department; Seattle Police Department; Portland Police Department; Detroit Police Department; Ferguson Police Department; and Baltimore Police Department;

**b. National guidance on best practices and model policies from criminal justice reform efforts, social science research centers, and civil rights organizations**, including: the Leadership Conference on Civil and Human Rights; American Civil Liberties Union (ACLU), including the ACLU of Massachusetts's "Racially Just Policing: Model Policies for Colleges and Universities"; the International Association of Chiefs of Police (IACP); the Police Executive Research Forum (PERF); U.S. Department of Justice Office of Community Oriented Policing Services (COPS Office); The Justice Collaboratory (The JC) at Yale University Law School; and The Center for Innovation in Community Safety (CICS) at Georgetown Law School.

**c. National and local higher education institutions that are based in comparable environments and make policies publicly available**, including: Carnegie Mellon University; Morgan State University; Towson University; University of Chicago; University of Cincinnati; University of Maryland, Baltimore County; University of Pennsylvania; and Yale University.

To ensure that the proposed directives captured national best practices in community-focused public safety services, the development team collaborated with independent experts from two organizations: National Policing Institute (the Institute), a non-profit dedicated to advancing excellence in policing through research and innovation, and 21CP Solutions, an expert consulting team of former law enforcement personnel, academics, civil rights lawyers, and community leaders dedicated to advancing safe, fair, equitable, and inclusive public safety solutions. Each directive was reviewed by experts selected by both organizations, who provided feedback, suggestions, and edits that were fully incorporated into the current draft.

Finally, individuals and organizations representing the diversity of the Johns Hopkins University community provided feedback to ensure the policies and procedures reflect and respond to the values of our institution and to our community's public safety service needs.

Now they are available for your review. Johns Hopkins is committed to adopting, incorporating, or otherwise reflecting recommended changes and feedback in the final version of policies so long as

feedback is aligned with our values and commitments, permissible within legal parameters, and supported by national best practices for community policing and public safety.



POLICE DEPARTMENT  
PERFORMANCE  
REVIEW BOARD

OPERATIONAL  
PROCEDURE #408

Responsible Executive:  
Chief of Police  
Responsible Office:  
Vice President for Public Safety  
Approved by:  
Dr. Branville G. Bard, Jr.  
Issued: [full date]  
Revised: [full date]

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Policy Statement

This Directive establishes the Johns Hopkins Police Department (JHPD) Performance Review Board (PRB), which is a process for the JHPD to conduct a comprehensive review of all significant events involving its members and the public, including all use of force incidents, regardless of level, to identify lessons learned, exemplary or deficient performance of members, and gaps in policies, procedures, training, or equipment. By critically assessing each significant event, JHPD can reduce the risk that a less than optimal outcome will occur in the future and reduce the likelihood of harm to its members and the community they serve. The PRB is focused on improving the quality of the JHPD’s services, rather than serving as a disciplinary process of the kind addressed in other JHPD Directives.

Who is Governed by this Policy

All personnel, including sworn, non-sworn and contractual or voluntary persons in service with the JHPD, are governed by this Directive.

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## Purpose

The primary purpose of the PRB is to critically examine every significant event, especially incidents that involve use of force, to develop a clear understanding of why an outcome occurred and ensure that any exemplary behavior or heroic conduct, as well as errors in judgment by JHPD members are identified; or gaps in training, policies, or equipment that may have contributed to an event are identified and corrected to ensure that mistakes are not repeated. This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or the evaluation of the use of force. In addition, the PRB shall review all audits or reports required by law or policy and make recommendations to resolve any issues identified therein.

## Core Principles

A reverence and respect for the dignity of all persons and the sanctity of human life shall guide all JHPD training, leadership, and Directives and procedures, whenever possible, de-escalation techniques shall be employed to gain voluntary compliance by a subject. This Directive is guided by the following core principles:

- I. **Sanctity of Human Life**, members shall make every effort to preserve human life in all situations.
- II. **Value of All Persons**, all human beings have equal value and worth, and members of the JHPD shall respect and uphold the value and dignity of all persons at all times.
- III. **Accountability**, all members shall be held accountable for uses of force that violate law or policy.

## Procedures

### I. **General**

- A. The PRB shall review the following incidents:
  - All use of force incidents
  - All pursuits
  - All responses to acts of expression protected by the First Amendment
  - All responses to active assailants
  - All incidents in which bias-based policing has been alleged
  - Any other incident that the Chief of Police requests to be reviewed.

- B.** The PRB shall serve as an advisory body to the Chief of Police that conducts timely, comprehensive, and reliable evaluations of incidents.
- C.** The PRB will not make recommendations concerning discipline; however, the chairperson must refer any potential misconduct for disciplinary investigation if it is determined in the course of any review.
- D.** The chairperson shall state whether a referral is occurring prior to the conclusion of the meeting after providing an opportunity for input from PRB members.
- E.** If the chairperson decides not to refer potential misconduct to the Public Safety Accountability Unit (PSAU) but another member of the PRB believes potential misconduct occurred, that PRB member shall refer the potential misconduct to PSAU.
- F.** The PRB shall, within 30 days of the review, provide a memorandum of recommendations to the Chief of Police that includes:
- A synopsis of the observations of the PRB's members as to the circumstances of the Reviewable Incident.
  - An identification of the areas of needed improvement in the performance of the involved member(s), including the performance of their supervisors during the incident, and the JHPD as a whole.
  - An identification of the areas of exemplary performance of the involved JHPD members, and any steps the PRB intends to take to recognize those JHPD members, formally or informally. See JHPD Directive #315, Awards.
  - An identification of any deficiencies in JHPD policies, training supervisor, or incident management.
  - Recommendations for improvement to JHPD policies, training, supervision, tactics, and equipment identified during the review.
- G.** The PRB shall ensure timely consideration and, as appropriate, implementation of its recommendations. Each PRB meeting shall begin with a brief status update from PRB members to whom consideration and/or implementation of recommendations was assigned at a previous PRB.
- H.** Where additional investigation is necessary to reach administrative findings, the PRB will refer the incident to the PSAU.

## **II. Voting Members of the PRB**

- A.** The PRB will consist of the following Johns Hopkins (JH) and JHPD members:

- Deputy Chief
- One (1) JHPD Captain
- Director, PSAU
- Director, Johns Hopkins Public Safety (JHPS) Training Section
- Vice President and General Counsel (or designee)
- Chief Risk Officer (or designee)
- Chief Audit Officer (or designee)
  - o Additional members may be added at any time by the President of Johns Hopkins University or the Vice President of Public Safety, if an odd number is maintained.

**B.** The chairperson shall be the Deputy Chief of Police or designee.

- The chairperson shall track the outcome of all recommendations, including the reasons for any rejections, and ensure the appropriate resolution of all approved recommendations.
- The chairperson shall ensure that the PRB's findings and recommendations are brought to the attention of the Chief of Police for appropriate action.
- The chairperson shall require a status report on outstanding recommendations at the beginning of PRB meetings.

### **III. Presentation**

**A.** The PRB shall receive a case presentation and all investigative reports from the PSAU lead investigator within thirty (30) days of the reviewable incident, or if required, thirty (30) days from the conclusion of the investigation by the Maryland Attorney General's Independent Investigation Division (IID) or thirty (30) days from the conclusion of the investigation of the reviewable incident required by other JHPD Directives, or as soon as possible thereafter.

**B.** The presentation's intent shall be to objectively demonstrate, in chronological order, the totality of the circumstances leading up to, during, and after the incident.

**C.** The presentation shall include all relevant evidence including, but not limited to:

- Photographs;
- Videos, including body-worn camera recordings;
- Audio recordings;
- Applicable policies and training;
- Diagrams; and

- Other evidence developed during the investigation of the incident under review.
- D. The presentation shall not include the criminal history or previous law enforcement encounters of any involved person, **unless** such context is specifically relevant to the case.
- E. The members of the PRB retain the authority to request additional information from investigators to aid their recommendations.
- F. If an external investigation is performed, the Chief of Police or their designee will provide the outside investigative agency's investigative report, letter from the Office of the State's Attorney for Baltimore City, and any other material deemed relevant to the PRB. The PRB may also request a presentation from any external agency that performed an external investigation or analysis of the reviewable incident.

#### IV. Incident Review

- A. The PRB shall ask questions of the PSAU investigator regarding the reviewable incident to establish a comprehensive understanding of the available facts and circumstances of the reviewable incident.
- B. The PRB shall discuss and evaluate the reviewable incident critically to identify opportunities for organizational and individual improvement, as well as whether the actions were potentially inconsistent with policy or training. This review shall specifically address:
- **Initiation of event and initial contact:** Whether the initiation of the event, including 911 call intake, handling by dispatch, and the initial and continuing police contact by the involved JHPD member(s) was conducted in a manner that was consistent with JHPD policy, mission, vision, and values.
  - **Consistency with Policy and Training:** Whether the JHPD member's action was consistent with applicable Directives, procedures, and training of the JHPD.
  - **Strategy:** Whether the JHPD members involved in the event or incident used the most appropriate and least intrusive measures to resolve the situation.
  - **Tactics:** Whether alternative tactical decisions could have allowed the JHPD member(s) to resolve the incident in a less intrusive and more appropriate manner.
  - **Post-Incident Response:** Whether issues with rendering of aid or on-scene supervision, amongst other potential issues, occurred.



- **Supervisor Investigation(s):** Where applicable, whether each supervisor within a JHPD member's chain of command completed a thorough, accurate, and timely review, including corrective action, recommendations, referrals to wellness services, or referrals for disciplinary consideration.
  - **Investigation:** Whether the investigation of the incident was thorough and consistent with policy or whether there are additional steps that need to be taken to identify the totality of the circumstances.
  - **JHPD Interaction/ Collaboration with Other JH Public Safety, JH Non-Public Safety Entities and/or third-party entities:** Whether JHPD used or interacted with other resources and how effective that utilization was.
  - **Recommendations:** Whether any improvements are needed for JHPD directives, training, tactics, supervision, organizational structure, equipment, or investigations. All recommendations must articulate a specific follow-up action. Recommendations may require further consideration of a given topic by entity or personnel outside of PRB to determine the appropriate course of action.
- C. The PRB shall prepare a comprehensive report, including recommendations, for the Chief of Police to use to determine appropriate improvements.
- D. The members of the PRB shall vote on whether to forward its list of recommendations to the Chief of Police.
- E. If the PRB does not come to a unanimous agreement, any PRB member who does not join the majority decision shall prepare a separate report stating their position and recommendations. This report must be completed and attached to the PRB report to the Chief of Police detailed below.

## **V. Submission & Implementation of Recommendations**

- A. Within fourteen (14) days of the PRB presentation, unless the PRB chairperson grants an extension, the PRB chairperson shall submit to the Chief of Police the comprehensive report outlining the findings and recommendations of the PRB.
- B. The PRB report shall include the following, as applicable:
- A description of the incident, including a summary and analysis of all relevant evidence, proposed findings and recommendations, and analysis to support those findings with regard for:
  - **Directive Update:** Recommendations from the PRB to change, modify, add, or delete directives or procedures for the JHPD to improve response similar situations in the future.

- **Training and Tactical Improvement:** Observations of the tactics employed during the incident may provide an opportunity to improve JHPD training. PRB members should also recommend specific supplemental or remedial training for the members involved in the incident under review, and/or for JHPD as a whole, as appropriate.
- **Equipment/Technology:** Recommendation from the PRB on any equipment, including technology, which may have improved the outcome of the incident under review and should be evaluated for future use.
- **Organizational:** Any issues observed relating to the structure and function of JHPD supervision, command, and control.
- **Other Critical Analysis:** Any other issues observed that could improve the future performance of the JHPD member(s) involved, other JHPD members, or the JHPD. This includes tactical decisions and other circumstances/considerations leading up to the incident. It also includes an assessment of actions, decisions, tactics, or planning by other entities that participated in the incident or event subject to review.
- **Investigation:** Recommendations from the PRB regarding necessary actions the PSAU investigator must take to conduct a comprehensive investigation.
- **Referral for Potential Misconduct:**

The chairperson shall not make recommendations concerning discipline but shall refer the matter to PSAU if potential misconduct is discovered in the review process.

  - o If the investigation is complete and any PRB member notes that the PSAU investigator failed to report police misconduct, they shall report the investigator to PSAU for failing to report the misconduct.
- In addition, the members of the PRB may request that a training specialist conduct a performance review of an identified area of concern.

- C. The Chief of Police shall decide whether to adopt the PRB's recommendations.
- D. All reports from the PRB shall be retained by the Chief of Police. Reports of corrective action, including witness statements, material exhibits, and board deliberations are confidential and will be maintained by the Chief of Police in a secure area. Authorization for access to these reports can only be granted by the Chief of Police and/or Office of Vice President and General Counsel.
- E. The Chief of Police will provide a de-identified summary of all PRB reviews on a quarterly basis to the Johns Hopkins Accountability Board.

## VI. Training for Members of the PRB

The PRB members shall receive initial and ongoing training that may include to training regarding JHPD Directives, training curriculum, and legal updates regarding the Use of Force, acts of expression protected by the First Amendment, active assailant response, fair and impartial policing, and other topics, as needed.

### Policy Enforcement

<b>Enforcement</b>	The Public Safety Accountability Unit is responsible for investigating suspected violations, and may recommend disciplinary action, up to and including termination or dismissal in accordance with any applicable University policy or process.
<b>Reporting Violations</b>	Suspected violations of this Directive should be reported to the Public Safety Accountability Unit or using <a href="#">the online form</a> .

### Related Resources

<b>University Policies and Documents</b>
Personnel Procedure #315, Awards Operational Procedure #401, De-escalation Operational Procedure #402, Use of Force Operational Procedure #407, Use of Force Reporting, Review, and Assessment
<b>External Documentation</b>
<b>University Forms and Systems</b>

### Contacts

Subject Matter	Office Name	Telephone Number	E-mail/Web Address
Policy Clarification and Interpretation			